

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**IRONCLAD PERFORMANCE WEAR
CORPORATION,**

Plaintiff,

v.

ORR SAFETY CORPORATION,

Defendant

Case No. 3:15-cv-03453

NOTICE OF REMOVAL

Defendant Orr Safety Corporation (“ORR”) files its Notice of Removal of this action from the 193rd Judicial District Court of Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division, the Court for the District and Division encompassing the place where the lawsuit is currently pending. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. In support hereof, ORR respectfully shows this Court as follows:

1. On September 28, 2015, Plaintiff Ironclad Performance Wear Corporation (“Ironclad”) filed an Original Petition (the “Complaint”) in the 193rd Judicial District Court of Dallas County, Texas, styled *Ironclad Performance Wear Corporation v. Orr Safety Corporation*, where it was assigned Cause No. DC-15-11878.

2. On October 2, 2015, ORR was served with a citation. Removal is timely because thirty days have not elapsed since any defendant was served with a summons or citation. 28 U.S.C. §1446(b)(1).

3. ORR is, contemporaneously with the filing of this Notice, giving written notice of filing of this Notice of Removal with the clerk of the 193rd Judicial District Court of Dallas County, Texas, and will serve a copy of the Notice of Removal on Plaintiff.

4. ORR is also filing contemporaneously with this Notice a civil cover sheet and a separately signed certificate of interested persons and disclosure statement that complies with Local Rule 3.1(c) and Rule 7.1 of the Federal Rules of Civil Procedure.

5. In accordance with Local Rule 81.1, attached as Exhibit “A” is each document filed in the state court action.

GROUND FOR REMOVAL: DIVERSITY OF CITIZENSHIP

6. This Court has original jurisdiction over this case under 28 U.S.C. § 1332 because this is a civil action between citizens of different States where the matter in controversy exceeds \$75,000.

The Amount in Controversy Exceeds the Federal Minimum Jurisdictional Requirements

7. In its Complaint, Ironclad alleges counts of action based on alleged breaches of contracts and “seeks monetary relief over \$1,000,000.” *See* Complaint, Exhibit A-2 at 2. Accordingly, the amount in controversy in this matter meets and exceeds the federal jurisdictional minimum of \$75,000, exclusive of interest and costs.

Complete Diversity Exists between Ironclad and ORR

8. Ironclad is a Nevada corporation with its principal place of business in Dallas County, Texas. Thus, for purposes of diversity, Ironclad is a citizen of Nevada and Texas. 28 U.S.C. § 1332(c)(1).

9. ORR is a Kentucky corporation with its principal place of business in Jefferson County, Kentucky. Thus, for purposes of diversity, ORR is a citizen of Kentucky. *Id.*

10. Accordingly, because the amount in controversy exceeds \$75,000 and Ironclad is a citizen of Nevada and Texas while ORR is a citizen of Kentucky, this Court has original jurisdiction over the present action pursuant to 28 U.S.C. § 1332. Removal is therefore proper.

WHEREFORE, ORR prays that the above-described action now pending in the 193rd Judicial District Court of Dallas County, Texas be removed to this Court.

Respectfully submitted,

/s/ Gregory M. Sudbury

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Counsel for Defendant and Counterclaim Plaintiff Orr Safety Corporation

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served on October 23rd, 2015 upon the following counsel electronically and via certified mail, return receipt requested, in accordance with the Federal Rules of Civil Procedure:

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